AGENDA

Special Meeting of the Governing Body of the Alameda Reuse and Redevelopment Authority

Alameda City Hall Council Chamber, Room 391 2263 Santa Clara Avenue Alameda, CA 94501

Tuesday, February 21, 2006 Meeting will begin at 6:00 p.m.

1. ROLL CALL

2. Public Comment on Non-Agenda Items Only.

Anyone wishing to address the Board on non-agenda items only, may speak for a maximum of 3 minutes per item.

3. ADJOURNMENT TO CLOSED SESSION OF THE ARRA TO CONSIDER:

3-A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Property:

Alameda Naval Air Station

Negotiating parties:

ARRA and Antiques by the Bay

Under negotiation:

Price and Terms

Announcement of Action Taken in Closed Session, if any.

4. ADJOURNMENT

Notes:

- Sign language interpreters will be available on request. Please contact the ARRA Secretary at 749-5800 at least 72 hours before the meeting to request an interpreter.
- Accessible seating for persons with disabilities (including those using wheelchairs) is available.
- Minutes of the meeting are available in enlarged print.
- Audio tapes of the meeting are available for review at the ARRA offices upon request.



CITY OF ALAMEDA • CALIFORNIA

SPECIAL MEETING OF THE CITY COUNCIL TUESDAY - - - FEBRUARY 21, 2006 - - - 6:01 P.M.

Time:

Tuesday, February 21, 2006, 6:01 p.m.

Place:

<u>City Council Chambers Conference Room</u>, City Hall, corner of Santa Clara Avenue and Oak Street.

Agenda:

1. Roll Call.

2. Public Comment on Agenda Items Only.

> Anyone wishing to address the Council on agenda items only may speak for a maximum of 3 minutes per item.

3. Adjournment to Closed Session to consider:

3-A. CONFERENCE WITH LABOR NEGOTIATORS

Agency Negotiators: Marie Gilmore and Frank Matarrese.

Employee:

City Attorney.

4. Announcement of Action Taken in Closed Session, if any.

Adjournment



CITY OF ALAMEDA • CALIFORNIA

SPECIAL JOINT MEETING OF THE CITY COUNCIL,
ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY,
COMMUNITY IMPROVEMENT COMMISSION, AND
HOUSING AUTHORITY BOARD OF COMMISSIONERS
TUESDAY - - - FEBRUARY 21, 2006 - - 7:25 P.M.

Location: City Council Chambers, City Hall, corner of Santa Clara Avenue and Oak Street.

Public Participation

Anyone wishing to address the Council/Board/Commission on agenda items or business introduced by the Council/Board/Commission may speak for a maximum of 3 minutes per agenda item when the subject is before the Council/Board/Commission. Please file a speaker's slip with the Deputy City Clerk if you wish to speak on an agenda item.

PLEDGE OF ALLEGIANCE

ROLL CALL

CONSENT CALENDAR

- 1-A. Minutes of the Special Joint City Council and Community Improvement Commission Meeting held on February 7, 2006. [City Council and Community Improvement Commission] (City Clerk)
- 1-B. Recommendation to amend the Policy regarding Procedures for the Hiring of Special Legal Counsel. [City Council, Alameda Reuse and Redevelopment Authority and Community Improvement Commission];
 - Recommendation to adopt the Policy regarding Procedures for the Hiring of Special Legal Counsel. [Housing Authority Board of Commissioners]; and
 - Adoption of Resolution Revising the Rules and Procedures of the Housing Authority of the City of Alameda Regarding Powers and Duties of General Counsel and Procedures for Hiring of Special Legal Counsel. [Housing Authority Board of Commissioners] (City Attorney)

AGENDA ITEM

2-A. Recommendation to amend two loans to the Alameda Development Corporation for 626 Buena Vista Avenue, Alameda and provide up to \$1.2 million in subsidy to fund eight units of affordable ownership housing. [City Council and Community Improvement Commission] (Development Services)

ADJOURNMENT

Beverly Johnson Mayor

Chair, Alameda Reuse and Redevelopment Authority, Community Improvement Commission and Housing Authority Board of Commissioners



CITY OF ALAMEDA • CALIFORNIA

IF YOU WISH TO ADDRESS THE COUNCIL:

- 1. Please file a speaker's slip with the Deputy City Clerk and upon recognition by the Mayor, approach the podium and state your name; speakers are limited to three (3) minutes per item.
- 2. Lengthy testimony should be submitted in writing and only a summary of pertinent points presented verbally.
- 3. Applause and demonstration are prohibited during Council meetings.

AGENDA - - - - - - - - REGULAR MEETING OF THE CITY COUNCIL TUESDAY - - - FEBRUARY 21, 2006 - - - 7:30 P.M.

[Note: Regular Council Meeting convenes at 7:30 p.m., City Hall, Council Chambers, corner of Santa Clara Ave and Oak St.]

The Order of Business for City Council Meeting is as follows:

- 1. Roll Call
- 2. Agenda Changes
- 3. Proclamations, Special Orders of the Day and Announcements
- 4. Consent Calendar
- 5. Agenda Items
- 6. Oral Communications, Non-Agenda (Public Comment)
- 7. Council Communications (Communications from Council)
- 8. Adjournment

Public Participation

Anyone wishing to address the Council on agenda items or business introduced by Councilmembers may speak for a maximum of 3 minutes per agenda item when the subject is before Council. Please file a speaker's slip with the Deputy City Clerk if you wish to address the City Council.

SPECIAL MEETING OF THE ALAMEDA REUSE AND	6:00 p.m.
REDEVELOPMENT AUTHORITY	
CITY COUNCIL CHAMBERS CONFERENCE ROOM	
Separate Agenda (Closed Session)	
SPECIAL MEETING OF THE CITY COUNCIL	6:01 p.m.
CITY COUNCIL CHAMBERS CONFERENCE ROOM	
Separate Agenda (Closed Session)	

ALAMEDA REUSE AND REDEVELOPMENT AUTHORITY, COMMUNITY

IMPROVEMENT COMMISSION AND HOUSING AUTHORITY BOARD OF

COMMISSIONERS, CITY COUNCIL CHAMBERS

Separate Agenda

- 1. ROLL CALL City Council
- 2. AGENDA CHANGES
- 3. PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS
- 4. CONSENT CALENDAR

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Council or a member of the public.

- 4-A. Minutes of the Special City Council Meeting held on February 4, 2006 and the Special and Regular City Council Meetings held on February 7, 2006. (City Clerk)
- 4-B. Bills for ratification. (Finance)
- 4-C. Recommendation to appropriate \$170,000 in Urban Runoff Funds and authorize the City Manager to execute a Contract with Regency Centers for repair to public drainage facilities in coordination with construction of the Bridgeside Shopping Center improvements. (Public Works)
- 4-D. Recommendation to appropriate funds and to award Contract in the amount of \$2,057,000 to Pacific Trenchless, Inc. for Cyclic Sewer Repair Project, Phase 4, No. P.W. 05-03-11. (Public Works)
- 4-E. Recommendation to approve the purchase of five Communications Center Workstations for the Police Department from Wright-Line Technical Environment Solutions in the amount of \$45,535.03. (Police)

5. REGULAR AGENDA ITEMS

- 5-A. Adoption of Resolution appointing Lorre Zuppan as a member of the Economic Development Commission.
- 5-B. Report on proposed PERS Golden Handshake Retirement under California Government Code Section 20903. (Human Resources)

- 5-C. Recommendation to adopt the Long-Term Park Use Policy. (Recreation and Parks)
- 5-D. Adoption of Resolution Calling Upon Steps to Withdraw Our Reservists, Coast Guard Units and Members of the California National Guard Troops from Iraq.
- 6. ORAL COMMUNICATIONS, NON-AGENDA (Public Comment)

Any person may address the Council in regard to any matter over which the Council has jurisdiction or of which it may take cognizance, that is not on the agenda.

- 7. <u>COUNCIL COMMUNICATIONS</u> (Communications from Council)
- 7-A. Consideration of Mayor's nomination for appointment to the Planning Board.
- 8. <u>ADJOURNMENT</u>

- For use in preparing the Official Record, speakers reading a written statement are invited to submit a copy to the City Clerk at the meeting or e-mail to: lweisige@ci.alameda.ca.us
- Sign language interpreters will be available on request. Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 72 hours prior to the Meeting to request an interpreter.
- Equipment for the hearing impaired is available for public use. For assistance, please contact the City Clerk at 747-4800 or TDD number 522-7538 either prior to, or at, the Council Meeting.
- Accessible seating for persons with disabilities, including those using wheelchairs, is available.
- Minutes of the meeting available in enlarged print.
- Audio Tapes of the meeting are available upon request.
- Please contact the City Clerk at 747-4800 or TDD number 522-7538 at least 48 hours prior to the meeting to request agenda materials in an alternative format, or any other reasonable accommodation that may be necessary to participate in and enjoy the benefits of the meeting.

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND COMMUNITY IMPROVEMENT COMMISSION MEETING
TUESDAY - - - FEBRUARY 7, 2006 - - - 7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:45 p.m.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,

deHaan, Gilmore, Matarrese, and

Mayor/Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Mayor/Chair Johnson announced that the Resolution Amending Resolution No. 98-78 [paragraph no. $\underline{06-CIC}$] was removed from the Consent Calendar for discussion.

Vice Mayor/Commissioner Gilmore moved approval of the remainder of the Consent Calendar.

Councilmember/Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

- (*06- CC/06 CIC) Minutes of the Special Joint City Council and Community Improvement Commission Meeting held on December 20, 2005. Approved.
- (<u>06-</u> <u>CIC</u>) <u>Resolution No. 06-139</u>, "Amending Resolution No. 98-78 Regarding Commission Bylaws Article II, Section 12 Regarding the Powers and Authority of the General Counsel." Adopted; and
- (<u>06- A/CIC</u>) Recommendation to Approve Policy Regarding Hiring Procedures for Special Legal Counsel.

Chair Johnson stated that the changes made to the Bylaws were fine; the policy and resolution have inconsistencies; the policy states that General Counsel is authorized spend up to \$35,000 per matter; the resolution states that matters estimated to cost more than \$35,000 must be brought to the CIC.

Commissioner Daysog inquired whether the policy question was that a matter should still come to the CIC if the matter costs \$25,000 as opposed to \$35,000.

Chair Johnson responded in the negative; stated the policy states that the General Counsel is authorized to spend up to \$35,000 on any matter and then come to the CIC, whether the matter costs \$200,000 or \$35,000; the resolution is correct in stating that the matter should be brought to the CIC at the earliest convenience if the estimated costs exceeds \$35,0000.

The General Counsel stated the policy was adopted by the Council on September 6; noted Page 2, Item #3 states "Comply with the Community Improvement Commission Policy regarding Procedures for Hiring of Special Legal Counsel."

Chair Johnson stated that the policy and resolution state two different things; ARRA may have the same inconsistency; the intent was that matters be brought to the CIC if estimated outside counsel legal fees are more than \$35,000.

Commissioner deHaan stated the Commission would approve the resolution.

Commissioner Gilmore and Chair Johnson concurred with Commissioner deHaan.

Commissioner Matarrese stated the ground rule should be that the matter comes to the appropriate governing body if the estimate is over \$35,000 but General Counsel can spend up to \$35,000 per matter to initiate the process.

Chair Johnson stated that bullet point 1 [General Counsel is authorized by CIC to spend up to \$35,000 per matter from appropriate project budget without prior CIC approval] should be omitted; the correction should be made to the ARRA policy also.

Commissioner deHaan moved adoption of the resolution and approval of the policy with modification to omit bullet point 1 [General Counsel is authorized by CIC to spend up to \$35,000 per matter from appropriated project budget without prior CIC approval].

Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEM

(<u>06- CC</u>) Recommendation to accept Quarterly Financial Report and approve mid-year budget adjustments, including General Fund reserve policy and infrastructure review.

The Finance Director gave a brief presentation.

The Public Works Director gave a brief update on the December 6, 2005 allocation and the infrastructure plans.

Mayor Johnson requested that a street resurfacing schedule be provided.

Councilmember deHaan requested that a sidewalk resurfacing schedule be provided.

Vice Mayor Gilmore inquired whether the field renovation included sprinkler systems in addition to drainage, to which the Public Works Director responded in the affirmative.

Mayor Johnson stated that certain trees, such as eucalyptus trees, grow rapidly and pruning of the trees is costly; suggested reviewing the possibility of replacing trees that are too expensive to maintain.

Councilmember deHaan inquired whether project timelines would be brought back to the Council, to which the Public Works Director responded in the affirmative.

Councilmember deHaan stated that residents have to pay an \$85 permit fee to repair a sidewalk square; inquired whether the fee could be lowered to encourage homeowners to take care of the replacement.

The Public Works Director responded both property owner and City responsibilities are identified when sidewalk inspections are performed; homeowners are given the option of using the City's contractor; in which case, the City would cover the encroachment permit.

Vice Mayor Gilmore inquired what was the outcome of the rubberized sidewalk experiment, and whether the City was contemplating having rubberized sidewalks.

The Public Works Director responded that the feedback has been positive; currently, the City is not doing any rubberized sidewalks; the Council would receive a proposal for installing rubberized sidewalks; a \$90,000 grant would be applied to sidewalks; the intent is to piggyback on the City of Oakland's Contract for rubberized sidewalks.

Councilmember Daysog stated a level of complexity exists in terms of the timing of available dollars; oversight is needed; there are two types of budgeting issues: 1) the two-year budgeting process and midyear adjustments, and 2) dedicating dollars when the reserve is above the 20% level.

The Public Works Director stated that the City Manager and Finance Director have assurances that the \$2 million is available and is enough to keep the remaining General Reserve funds at 20%.

The City Manager stated that the recalculation of the General Fund Reserve is reviewed every year at mid-year to ensure that the reserve is based on the actuals.

The Fire Chief provided a brief presentation on the \$400,000 for fire station planning and acquisition.

Councilmember Daysog inquired whether new sites are being considered which would adjoin existing residential areas.

The Fire Chief responded all West End fire stations should be reviewed to determine the best way to proceed over the long term.

Councilmember deHaan inquired whether the proposed study would be directed to the West End fire stations, to which the Fire Chief responded in the affirmative.

Councilmember deHaan inquired whether procurement was being considered for West End fire stations.

The Fire Chief responded in the negative; stated the priority is Fire Station 3.

Councilmember Matarrese inquired whether the \$400,000 was for the study and acquisition, to which the Fire Chief responded in the affirmative.

The City Treasurer stated reducing the reserve levels is a serious matter; he is concerned with how the money will be used; a good use would be investing the money in City assets; reserves should be spent on projects that result in a dollar-for-dollar benefit; the Fire Department issues should be addressed during the normal budgeting process; the proposal reduced the reserves from 25% to 20%; stated that he understood that reducing the reserves to 20% was temporary.

The City Auditor stated that money from the reserves should go

toward identifiable projects; he takes exception to using reserve funds for a study; questioned why a planning decision needs to be outsourced; stated staff should make decisions; paying for a study is not a prudent way to spend down the reserves.

Councilmember Matarrese stated the Council is not changing the reserve limit policy but is requesting to pull money out of the reserves today because the infrastructure is accruing debt faster than the reserves are accruing benefit; every dollar should be tied to an infrastructure repair; spending money on Fire Station 3 also qualifies because the station is a crumbling asset; money spent on a study is not appropriate; suggested looking for funding in the ARRA planning budget.

Mayor Johnson concurred with Councilmember Matarrese regarding not changing the reserve limit policiy; stated money is being allocated to pay for needed projects.

Vice Mayor Gilmore stated that the City has known about fire station issues; there is no immediate urgency except for Fire Station 3; the next budget process can review appropriating money for the study; there are deeper problems if \$20,000 cannot be found in the normal budget process; the reserve reduction should be considered a one-time occurrence; the goal will be to continue to build reserves back up to 25%.

Councilmember Daysog stated that the reserves were built up by not investing in the infrastructure over the years; now is the time to invest back into the sidewalks and streets; inquired what the affect will be on the undesignated reserves.

The Finance Director responded that there are no undesignated reserves; the policy sets a 25% target for economic uncertainties; some portions of the reserves have been loaned to other funds and the cash is not available; \$6 million out of \$18 million has been loaned out; the remaining funds would allow sufficient time to make decisions on how to proceed.

The City Treasurer stated that \$380,000 remains in the pool for planning and acquisition costs after the \$20,000 for the study; questioned why \$380,000 should be taken out of reserves today to put the money into an interest-bearing account for future acquisition.

Councilmember Matarrese stated the funds should be held in abeyance [designated reserve] for Fire Station 3; money would not be allocated [designated] from the reserves for a study, only for

acquisition and/or repair.

Councilmember deHaan stated impact funding was set aside; inquired whether the impact funding was earmarked for studies and how the balance of the fiscal year looked.

The Finance Director responded that the year should end with revenues exceeding expenditures based on what is being done today.

Councilmember deHaan stated there will always be adjustments.

Councilmember Matarrese stated that some of the money allocated in December will be invested in field repair; a turf management plan was discussed earlier in the year; the turf management plan should be accelerated to ensure repairs are not lost after a year of play or a season of rain; the plan should be accelerated to protect the investment.

The Acting Recreation and Park Director stated that the turf management plan has been initiated; solid plans should be in place within the next month.

Councilmember Matarrese inquired whether the process could be accelerated to have plan in place before investments are made, to which the Acting Recreation and Park Director responded in the affirmative.

Mayor Johnson inquired whether most of the \$1.6 million would go to contractors.

The Public Works Director responded some money would cover costs for design, inspection and contract administration; staff levels cannot cover the physical work; sidewalk inspections are intensive.

Mayor Johnson inquired how much of the \$1.6 million would toward design and contract management.

The Public Works Director responded that design is generally 10% of the construction cost; contract administration and inspections can be 3-5%.

Councilmember Matarrese inquired whether the design, construction management and inspections would be handled by contractors, to which the Public Works Director responded the tasks would be handled by existing staff.

Councilmember Matarrese inquired why the costs need to be covered

if existing staff is used.

The Public Works Director responded the Public Works Engineering division functions like an engineering firm; 80% of the engineering budget comes from revenues.

Mayor Johnson stated department budgets should not be supplemented by drawing down on reserves; the \$1.6 million should be spent on hard construction projects; 16% of the \$1.6 million would go to the Public Works Department and is an extraordinary expenditure to invest in the City.

The City Manager stated that the process can be reviewed; other projects would need to be contracted out; staff can review the cost of design and contract management in terms of allocation to obtain economy of scale.

Councilmember Matarrese inquired whether additional money would be needed to backfill the other projects.

Councilmember deHaan stated that staff should determine the best resources for the projects; there is an economy of scale to be derived which might not be a full 10% for design; however, the job has to be inspected.

Mayor Johnson stated that part of Council direction could be to have the City Manager review costs with the Public Works Department; she hopes that the costs could be below 16%; the City should not pay flat fees and end up supplementing the Public Works budget.

The City Manager stated some City staff would be dedicated to the projects; more definitive costs will be provided.

Mayor Johnson requested that the budget for the \$1.6 million appropriation come back to Council for review.

Councilmember Matarrese moved approval of allocating the funds from the [General Fund] reserve [\$1.6 million for infrastructure projects and \$400,000 to designated reserve for Fire Station3 acquisition] and accepting the staff report as written with the following conditions: 1) that the City Manager work with the Public Works Department and Fire Department to break down associated costs to execute the outlined tasks [infrastructure and Fire Station 3 projects] including reviewing economy of scale, 2) review ways to protect the renovations and improvements, such as the turf management plan, and 3) that the policy is to maintain a 25%

General Fund target level [but allow for a temporary reduction to 20%].

Mayor Johnson requested the motion be clarified for the \$400,000 item.

Councilmember Matarrese stated that the motion is that the \$400,000 would be for acquisition [of Fire Station 3] only, and the study would be addressed during the budget process.

Mayor Johnson inquired whether the \$400,000 would be taken out of the reserves.

Councilmember Matarrese responded that the \$400,000 would still remain in the reserves but would be designated for Fire Station 3 acquisition.

Vice Mayor Gilmore seconded the motion.

Under discussion, Councilmember deHaan stated that he hopes the City Manager would review existing funding sources for the study.

Mayor Johnson stated a fire station needs study for the Base might be premature because the property has not been acquired.

Councilmember Matarrese stated that Fire Station 3 needs to be addressed; the problems at Fire Station 3 are comparable to the worst sidewalk or pothole.

Councilmember deHaan amended the motion to include that Contracts return to the Council for review.

Councilmember Matarrese and Vice Mayor Gilmore agreed to the amended motion.

On the call for the question, the motion carried by unanimous voice vote -5.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:56 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk

Special Joint Meeting Alameda City Council and Community Improvement Commission February 7, 2006

MEMORANDUM

Date:

February 14, 2006

To:

Honorable Mayor and Members of City Council;

Honorable Chair and Members of the Alameda Reuse and

Redevelopment Authority; the Community Improvement Commission of the City of Alameda; and the Housing Authority Board of Commissioners

of the City of Alameda

From:

Carol A. Korade

City Attorney/General Counsel

Re:

Amending Alameda Reuse and Redevelopment Authority, City Council and Community Improvement Commission Policy Regarding Procedures for Hiring of Special Legal Counsel and Adopting Housing Authority Board of Commissioners Resolution Revising the Rules and Procedures of the Housing Authority Board of Commissioners of the City of Alameda Regarding Powers and Duties of General Counsel and Procedures for Hiring of Special Legal Counsel; Adoption of Policy Regarding Procedures

for Hiring Special Legal Counsel. (City Attorney/General Counsel)

BACKGROUND AND DISCUSSION

On September 6, 2005, the City Council adopted a Resolution empowering the City Attorney to employ special legal counsel, within certain parameters, and a separate policy for new procedures which would provide: 1) greater Council oversight for expenditures on outside counsel fees, 2) a competitive process for the hiring of outside counsel, and 3) monthly financial reports on the status of expenditures on outside counsel fees. The Council expressed its desire that the same policy be submitted to the Alameda Reuse and Redevelopment Authority ("ARRA"), the Community Improvement Commission of the City of Alameda ("CIC") and the Housing Authority Board of Commissioners of the City of Alameda for each of their consideration, in order to provide consistency among the various legislative bodies in Alameda.

The ARRA and the CIC have previously adopted substantially the same policies as previously adopted by the City Council on September 6, 2005. However, at the February 7, 2006 joint meeting of the City Council and CIC, a desire was expressed by the Chair to amend the existing policy to delete the first bullet point reference to the City Attorney/General Counsel's authority to spend up to \$35,000 of the appropriated budget without prior authorization. Accordingly, revised policies for the City Council, ARRA and CIC are attached to this staff report.

In addition to revising existing City Council, ARRA and CIC policies regarding procedures for hiring special legal counsel, a consistent Housing Authority Board of Commissioners policy is attached to this joint staff report for consideration. The Housing Authority Board of Commissioners policy is similar to ARRA's in that the

Report and Reso 1-B 2-21-06

Executive Director may authorize unlawful detainer litigation. Housing Authority Board of Commissioners staff is charged with the responsibility of enforcing 572 leases. We are advised that staff needs the authority to terminate these leases for cause by filing unlawful detainers when necessary. (See attached memo from Housing Authority Executive Director). The attached Housing Authority Board of Commissioners Resolution would amend its existing Rules and Procedures in order to set forth consistent powers and duties for its General Counsel. A form of Housing Authority Board of Commissioners Resolution is attached to this staff report for this purpose.

BUDGET CONSIDERATION/FISCAL IMPACT

This policy will have no impact on the outside counsel budgets of the City of Alameda, ARRA, or the Housing Authority Board of Commissioners, as each budget has been previously appropriated in FY 05/06. The budget for outside counsel services is built into the project budget for each development project, the budget for which has been approved by CIC for FY 05/06.

RECOMMENDATION

It is recommended that the City Council, Board of Community Improvement Commission of the City of Alameda and the Governing Board of the Alameda Reuse and Redevelopment Each Approve the Amendment to Alameda Reuse and Redevelopment Authority, City Council and Community Improvement Commission Policies Regarding Procedures for Hiring of Special Legal Counsel.

It is further recommended that the Housing Authority Board of Commissioners adopt a Resolution Revising the Rules and Procedures of the Housing Authority Board of Commissioners of the City of Alameda Regarding Powers and Duties of General Counsel and Procedures for Hiring of Special Legal Counsel; and Adopt a Policy Regarding Procedures for Hiring Special Legal Counsel.

Respectfully submitted,

Carol A. Korade

City Attorney/General Counsel

Attachment:

- (Revised) City Council Policy Regarding Procedures for Hiring of Special Legal Counsel
- 2. (Revised) ARRA Policy Regarding Procedures for Hiring of Special Legal Counsel

- 3. (Revised) CIC Policy Regarding Procedures for Hiring of Special Legal Counsel
- 4. Housing Authority Resolution Revising the Rules and Procedures Of the Housing Authority Regarding Powers and Duties of General Counsel And Procedures for Hiring of Special Legal Counsel
- 5. Housing Authority Policy Regarding Procedures for Hiring of Special Legal Counsel
- 6. Memorandum from Executive Director of Housing Authority

CITY COUNCIL POLICY REGARDING PROCEDURES FOR HIRING OF SPECIAL LEGAL COUNSEL

- City-initiated litigation requires prior City Council authorization
- For matters estimated to cost less than \$35,000, City Attorney hires outside cocounsel from legal panel selected through RFQ process
- City Attorney meets with Council in closed session at the earliest possible time and provides an analysis of the litigation, including litigation costs, as a confidential document if any of the following apply:
 - o Estimated to exceed \$35,000 in defense costs
 - o Involving policy questions
 - o Having significant ramifications for the City
 - o If requested by City Council

Limitations on Settlement Authority

• City Attorney's settlement authority is limited to \$15,000 for all matters; settlement proposals exceeding \$15,000 must be approved by City Council

Reporting Requirements

- The City Attorney keeps the Council apprised of the status of the litigation through periodic confidential reports
- Monthly financial reports provided to City Council on costs of outside counsel on litigation and transactional matters
- City Attorney provides confidential bi-annual litigation status reports to Council in January and July, with updated budget and analysis
 - Litigation status reports identify outside co-counsel for each case
 - Litigation status reports summarize the proceedings for each City initiated and defense case, including all "closed" cases for the current fiscal year and the preceding five (5) fiscal years
 - Litigation status reports include more detailed, separate confidential analysis provided for each litigation matter as attachments to the litigation status report
 - Litigation status report includes costs of litigation and any settlements/payments made by the City

• City Attorney meets periodically in closed session with Council to discuss any pending litigation matter

<u>Limitations on Hiring of Outside Counsel</u>

- City Attorney will limit his/her hiring of outside counsel legal services from one of the following legal panels, which shall have been selected by City Attorney using a competitive (RFQ) process:
 - 1) Bond Counsel
 - 2) Litigation Defense (Tort, Public Safety, Construction Contract, Federal, etc.)
 - 3) Real Property/Condemnation/Unlawful Detainer
 - 4) Miscellaneous Specialty (such as Tax, Labor, Federal/BRAC, Environmental/CEQA/land use, Airport)
- All new contracts for the outside counsel legal panel will be subject to the \$35,000 spending limitation, without express authority to exceed the budget; City Attorney may not exceed this limitation on budgeted appropriations without seeking Council authorization in open session

ARRA POLICY REGARDING PROCEDURES FOR HIRING OF SPECIAL LEGAL COUNSEL

- ARRA-initiated litigation requires prior ARRA Authorization
 - Except for routine unlawful detainer litigation which may be authorized by Executive Director
- For matters estimated to cost less than \$35,000, General Council hires outside co-counsel from legal panel selected through RFQ process
- General Counsel meets with ARRA in closed session at the earliest possible time and provides an analysis of the litigation, including litigation costs, as a confidential document if any of the following apply:
 - o Estimated to exceed \$35,000 in defense costs
 - o Involving policy questions
 - o Having significant ramifications for ARRA
 - o If requested by ARRA

Limitations on Settlement Authority

• General Counsel's settlement authority is limited to \$15,000 for all matters; settlement proposals exceeding \$15,000 must be approved by ARRA

Reporting Requirements

- The General Counsel keeps ARRA apprised of the status of the litigation through periodic confidential reports
- Monthly financial reports provided on cost of outside counsel on litigation and transactional matters
- General Counsel provides confidential bi-annual litigation status in January and July, with updated budget and analysis
 - Litigation status reports identify outside co-counsel for each case
 - Litigation status reports summarize the proceedings of each ARRA-initiated and defense case, including all "closed" cases for the current fiscal year and the preceding five (5) fiscal years
 - Litigation status reports include more detailed, separate confidential analysis provided for each litigation matter as attachments to the litigation status report

- Litigation status report includes costs of litigation and any settlement/ payments made by ARRA
- General Counsel meets periodically in closed session with ARRA to discuss any pending litigation matter

<u>Limitations on Hiring of Outside Counsel</u>

- General Counsel will limit his/her hiring of outside counsel legal services from one of the following legal panels, which shall have been selected by City Attorney/General Counsel using a competitive (RFQ) process:
 - 1) Bond Counsel
 - 2) Litigation Defense (Tort, Public Safety, Construction Contract, Federal, etc.)
 - 3) Real Property/Condemnation/Unlawful Detailer
 - 4) Miscellaneous Specialty (such as Tax, Labor, Federal/BRAC, Environmental/CEQA/Land Use, Airport)
- All new contracts for the outside counsel legal panel will be subject to the \$35,000 spending limitation, without express authority to exceed the budget; City Attorney/General Counsel may not exceed this limitation on budgeted appropriations without seeking ARRA authorization in open session

COMMUNITY IMPROVEMENT COMMISSION POLICY REGARDING PROCEDURES FOR HIRING OF SPECIAL LEGAL COUNSEL

- CIC-initiated litigation requires prior CIC Authorization
- For matters estimated to cost less than \$35,000, General Council hires outside co-counsel from legal panel selected through RFQ process
- General Counsel meets with CIC in closed session at the earliest possible time and provides an analysis of the litigation, including litigation costs, as a confidential document if <u>any</u> of the following apply:
 - o Estimated to exceed \$35,000 in defense costs
 - o Involving policy questions
 - o Having significant ramifications for CIC
 - o If requested by CIC

<u>Limitations on Settlement Authority</u>

• General Counsel's settlement authority is limited to \$15,000 for all matters; settlement proposals exceeding \$15,000 must be approved by CIC

Reporting Requirements

- The General Counsel keeps CIC apprised of the status of the litigation through periodic confidential reports
- Monthly financial reports provided on cost of outside counsel on litigation and transactional matters
- General Counsel provides confidential bi-annual litigation status in January and July, with updated budget and analysis
 - Litigation status reports identify outside co-counsel for each case
 - Litigation status reports summarize the proceedings of each CIC-initiated and defense case, including all "closed" cases for the current fiscal year and the preceding five (5) fiscal years
 - Litigation status reports include more detailed, separate confidential analysis provided for each litigation matter as attachments to the litigation status report

- Litigation status report includes costs of litigation and any settlement/ payments made by CIC
- General Counsel meets periodically in closed session with CIC to discuss any pending litigation matter

Limitations on Hiring of Outside Counsel

- General Counsel will limit his/her hiring of outside counsel legal services from one of the following legal panels, which shall have been selected by City Attorney/General Counsel using a competitive (RFO) process:
 - 1) Bond Counsel
 - 2) Litigation Defense (Tort, Public Safety, Construction Contract, Federal, etc.)
 - 3) Real Property/Condemnation/Unlawful Detailer
 - 4) Miscellaneous Specialty (such as Tax, Labor, Federal/BRAC, Environmental/CEQA/Land Use, Airport)
- All new contracts for the outside counsel legal panel will be subject to the \$35,000 spending limitation, without express authority to exceed the budget; City Attorney/General Counsel may not exceed this limitation on budgeted appropriations without seeking CIC authorization in open session

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

REVISING THE RULES AND PROCEDURES
OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA
REGARDING POWERS AND DUTIES OF GENERAL COUNSEL
AND PROCEDURES FOR HIRING SPECIAL LEGAL COUNSEL

WHEREAS, the City Attorney of the City of Alameda acts as General Counsel to the Housing Authority; and

WHEREAS, at a regular City Council meeting in September 2005, the City Council took action to empower the City Attorney to employ special legal counsel within certain budgetary parameters and also adopted a policy regarding hiring procedures for special legal counsel; and

WHEREAS, the Housing Authority desires to memorialize a procedure consistent with that of the City Council for the empowerment of the General Counsel, particularly with respect to the hiring of special legal counsel.

NOW, THEREFORE, the Board of Commissioners of the Housing Authority of the City of Alameda resolves that the Rules and Procedures of the Housing Authority of the City of Alameda are hereby amended as follows:

1. Article II ("Officers"), Section 7 ("General Counsel") is amended to read:

The Authority shall contract with the City Attorney of the City of Alameda or City Attorney designee to serve as General Counsel to the Housing Authority. The General Counsel shall be the chief legal officer of the Authority and shall be responsible for preparing or approving all proposed resolutions, rules, contracts, bonds and other legal papers for the Authority and shall endorse approval as to form. The General Counsel shall give advice or opinions in writing to the Board of Commissioners whenever requested to do so. The General Counsel shall attend to all suits and other matters to which the Authority is a part or in which the Authority maybe legally interested and do such things pertaining to the General Counsel's office as the Board of Commissioners may request. The General Counsel shall have the power and duty to:

- 1. Employ special legal counsel unless any of the following occur:
 - a) Estimated legal fees exceed \$35,000, or
 - b) Litigation involves policy questions, or
 - c) Litigation has significant ramifications for the Authority, or
 - d) If requested by the Authority

Resolution I Adopted:	No	Page 2 of 2	
	empowerment from the Ho employ special legal counse	is present, the General Counsel must seek busing Authority Board of Commissioners to el as soon as practical. In the interim, special limited to the amount necessary to provide sistance.	
2.	Settle, compromise or disc \$15,000 or less; settleme approved by the Authority;	uss any litigation or claims in the amount of ent proposals exceeding \$15,000 must be	
3.	Comply with Housing Authority Policy Regarding Procedures for Hiring of Special Legal Counsel.		
	* 1	* * * *	
		Beverly Johnson, Chair Board of Commissioners	
ATTEST:			
Michael T. F Executive D	Pucci irector/Secretary		
Adopted:	Date		

HOUSING AUTHORITY POLICY REGARDING PROCEDURES FOR HIRING OF SPECIAL LEGAL COUNSEL

- Housing Authority-initiated litigation requires prior Board of Commissioners authorization
 - Except for routine unlawful detainer litigation which may be authorized by Executive Director
- For matters estimated to cost less than \$35,000, General Council hires outside co-counsel from legal panel selected through RFQ process
- General Counsel meets with the Board of Commissioners in closed session at the earliest possible time and provides an analysis of the litigation, including litigation costs, as a confidential document if <u>any</u> of the following apply:
 - o Estimated to exceed \$35,000 in defense costs
 - o Involving policy questions
 - o Having significant ramifications for the Housing Authority
 - o If requested by the Housing Authority

<u>Limitations on Settlement Authority</u>

• General Counsel's settlement authority is limited to \$15,000 for all matters; settlement proposals exceeding \$15,000 must be approved by the Board of Commissioners

Reporting Requirements

- The General Counsel keeps the Housing Authority apprised of the status of the litigation through periodic confidential reports
- Monthly financial reports provided on cost of outside counsel on litigation and transactional matters
- General Counsel provides confidential bi-annual litigation status in January and July, with updated budget and analysis
 - o Litigation status reports identify outside co-counsel for each case
 - Litigation status reports summarize the proceedings of each Housing Authority-initiated and defense case, including all "closed" cases for the current fiscal year and the preceding five (5) fiscal years
 - Litigation status reports include more detailed, separate confidential analysis provided for each litigation matter as attachments to the litigation status report

- Litigation status report includes costs of litigation and any settlement/ payments made by the Housing Authority
- General Counsel meets periodically in closed session with the Board of Commissioners to discuss any pending litigation matter

Limitations on Hiring of Outside Counsel

- General Counsel will limit his/her hiring of outside counsel legal services from one of the following legal panels, which shall have been selected by City Attorney/General Counsel using a competitive (RFO) process:
 - 1) Bond Counsel
 - 2) Litigation Defense (Tort, Public Safety, Construction Contract, Federal, etc.)
 - 3) Real Property/Condemnation/Unlawful Detailer
 - 4) Miscellaneous Specialty (such as Tax, Labor, Federal/BRAC, Environmental/CEQA/Land Use, Airport)
- All new contracts for the outside counsel legal panel will be subject to the \$35,000 spending limitation, without express authority to exceed the budget; General Counsel may not exceed this limitation on budgeted appropriations without seeking Board of Commissioners authorization in open session



701 Atlantic Avenue - Alameda, California 94501-2161 - Tel: (510) 747-4300 - Fax: (510)522-7848 - TDD: (510) 522-8467

MEMORANDUM

Date:

February 15, 2006

To:

Teresa Highsmith, Assistant General Counsel

From:

Eileen Duffy, Acting Executive Director

Subject: Retaining Authority to Authorize Unlawful Detainer Actions

I believe that it is extremely important for the Executive Director of the Housing Authority to retain the authority to authorize unlawful detainer actions.

The Housing Authority policy is similar to ARRA's in that currently the Executive Director may authorize unlawful detainer litigation. Housing Authority staff is charged with the responsibility of enforcing 572 leases. Staff needs the authority to terminate these leases for cause by filing unlawful detainers.

An unlawful detainer is an important tool with two critical purposes. It is used to send a message to lease violators and all tenants that the Housing Authority is serious about enforcing lease requirements. When used to evict tenants, especially those who have serious lease violations such as drug use and other criminal activity, unlawful detainers can protect innocent tenants from becoming crime victims. Unlawful detainers provide staff with the ability to act quickly and decisively to protect the health and safety of residents of Housing Authority properties.

Though a vitally important tool, unlawful detainers are seldom used by the Housing Authority. Since July 1, 2004, five unlawful detainers were issued. The cost for outside counsel averaged \$766 for each case.

cc: Michael T. Pucci, Acting Assistant City Manager

U:\memos\to terri on unlawful detainers.doc

GENERAL COUNSEL

HOUSING AUTHORITY OF THE CITY OF ALAMEDA

RESOLUTION NO.

REVISING THE RULES AND PROCEDURES
OF THE HOUSING AUTHORITY OF THE CITY OF ALAMEDA
REGARDING POWERS AND DUTIES OF GENERAL COUNSEL
AND PROCEDURES FOR HIRING SPECIAL LEGAL COUNSEL

WHEREAS, the City Attorney of the City of Alameda acts as General Counsel to the Housing Authority; and

WHEREAS, at a regular City Council meeting in September 2005, the City Council took action to empower the City Attorney to employ special legal counsel within certain budgetary parameters and also adopted a policy regarding hiring procedures for special legal counsel; and

WHEREAS, the Housing Authority desires to memorialize a procedure consistent with that of the City Council for the empowerment of the General Counsel, particularly with respect to the hiring of special legal counsel.

NOW, THEREFORE, the Board of Commissioners of the Housing Authority of the City of Alameda resolves that the Rules and Procedures of the Housing Authority of the City of Alameda are hereby amended as follows:

1. Article II ("Officers"), Section 7 ("General Counsel") is amended to read:

The Authority shall contract with the City Attorney of the City of Alameda or City Attorney designee to serve as General Counsel to the Housing Authority. The General Counsel shall be the chief legal officer of the Authority and shall be responsible for preparing or approving all proposed resolutions, rules, contracts, bonds and other legal papers for the Authority and shall endorse approval as to form. The General Counsel shall give advice or opinions in writing to the Board of Commissioners whenever requested to do so. The General Counsel shall attend to all suits and other matters to which the Authority is a part or in which the Authority maybe legally interested and do such things pertaining to the General Counsel's office as the Board of Commissioners may request. The General Counsel shall have the power and duty to:

- 1. Employ special legal counsel unless any of the following occur:
 - a) Estimated legal fees exceed \$35,000, or
 - b) Litigation involves policy questions, or
 - c) Litigation has significant ramifications for the Authority, or
 - d) If requested by the Authority

Resolution Adopted: _	No Page 2 of 2	
	If any of the above criteria is present, the General Counsel must seek empowerment from the Housing Authority Board of Commissioners to employ special legal counsel as soon as practical. In the interim, special legal counsel retention is limited to the amount necessary to provide preliminary analysis and assistance.	
2.	Settle, compromise or discuss any litigation or claims in the amount of \$15,000 or less; settlement proposals exceeding \$15,000 must be approved by the Authority;	
3.	Comply with Housing Authority Policy Regarding Procedures for Hiring of Special Legal Counsel.	
	* * * * *	
	Devents Jahren Chair	
	Beverly Johnson, Chair Board of Commissioners	
ATTEST:		
Michael T. P Executive D	Pucci irector/Secretary	

Adopted: ____

CITY OF ALAMEDA MEMORANDUM

To:

The Honorable Mayor

and Members of the City Council

Honorable Chair and Members of the Community Improvement Commission

From:

Debra Kurita

City Manager

Date:

February 21, 2006

Re:

Recommendation to Amend Two Loans to the Alameda Development Corporation for 626 Buena Vista Avenue, Alameda, and Provide up to \$1.2 Million in Subsidy to Fund Eight Units of Affordable Ownership Housing

BACKGROUND

On May 2, 2000, the City Council and the Community Improvement Commission approved a loan to the Alameda Development Corporation (ADC) in the amount of \$280,000 in HOME Funds and \$260,000 in Business and Waterfront Improvement Project (BWIP) Housing Funds for the acquisition of a vacant car wash and the development of up to nine units of workforce ownership housing at 626 Buena Vista Avenue in Alameda.* The terms of the funding agreements stipulated that one unit would be sold to a very low income household and three units would be sold to low income households as Land Trust Condominium Units. Since obtaining the City loan, the ADC purchased the property and conducted a number of predevelopment activities towards the development of a nine-unit condominium project; however, changing conditions increased costs beyond the original budget. The ADC re-evaluated the condominium project, reviewed a number of alternatives for use of the site and concluded that it would be less costly to redesign the project. ADC is proposing an eight-unit subdivision that would be developed in partnership with East Bay Habitat for Humanity (Habitat). This revised project would include two very low income units, four low income units and two moderate income units.

DISCUSSION/ANALYSIS

The ADC acquired the 18,900 square foot parcel at 626 Buena Vista in July 2000. Between July 2000 and December 2002, the ADC initiated the process to develop this workforce ownership housing, including selecting an architect, rezoning the parcel from commercial to residential, designing the nine-unit condominium project, obtaining all entitlements and working with a contractor on value-engineering.

Report 2-A 2-21-06

^{*}The original project address, 620 Buena Vista, was changed to 626 Buena Vista, since 620 was discovered to be an existing address of a different parcel.

Honorable Chair and Members of the Community Improvement Commission

As work progressed in late 2002, it became clear that construction costs were going to be higher than originally anticipated, and that construction defect liability insurance for a condominium project was both prohibitively expensive and extremely difficult to obtain. Although the ADC worked for several more months to fully explore the possibility of building the project as designed, they eventually came to the conclusion that it would be less costly to redesign the project. In 2003 and the first part of 2004, the ADC explored a variety of options to restructure the 626 Buena Vista project in order to make it more financially feasible. The ADC spoke to other nonprofit housing developers and to the Alameda Housing Authority to explore possible partnerships, and considered several ownership scenarios (subdivision, manufactured housing, self-help housing) as well as rental scenarios.

The City continued to support the ADC's efforts on 626 Buena Vista by providing operating grants to the ADC and a short-term loan to pay for a project manager consultant. The City monitored the ADC's progress via quarterly progress reports. In July 2004, the ADC submitted a proposal to partner with Habitat to develop eight units of ownership housing. The City provided a technical assistance grant to the ADC and Habitat in order to allow them to complete a development plan and work program. The ADC and Habitat successfully developed a project description, budget, timeline and description of the buyer selection process (Attachment I). They have also analyzed the existing loans and drafted a joint venture partnership agreement. The partnership and the project have the approval of both ADC and Habitat boards. The ADC has recently hired a new project manager who has experience working with Habitat and who will be dedicated to advancing this project.

The City and CIC loans to the ADC are currently at 5% interest, deferred for 59 years, to be forgiven at the end of the term. The project funding was structured in this way in order to ensure the long-term affordability of the condominium units, with no expectation that the funds would be repaid. In order to sell units in the proposed subdivision, each parcel needs to be conveyed with a clear title. It is proposed that the loan agreements be amended so that, as each unit is completed, the security instrument encumbering that parcel is released and partially reconveyed. The buyer would then enter into a new security instrument in the form of an affordability covenant to maintain long-term affordability.

The implementation of the proposal requires that the existing loans with the ADC be modified as follows:

- Remove the references to "Land Trust Condominium Units" in order to allow for the project to proceed as a subdivision;
- Provide additional funding of a maximum of \$1.2 million in order to subsidize the difference between the total development cost and the funding available from fundraising, grants and the sales proceeds; and
- Amend and restate the agreement provisions to include the additional funding and to allow forgiveness and reconveyance of the loan as each unit is completed and sold to a qualified household.

Honorable Chair and Members of the Community Improvement Commission

Given the high levels of affordability being achieved, the subsidy of approximately \$215,000 of the \$420,000 per unit development cost compares favorably to other city sponsored affordable homeownership projects. Although the four Habitat units will not generate sales proceeds, Habitat will contribute \$500,000 to the project from fundraising efforts. In addition, the ADC has agreed to continue to pursue cost reductions and additional financing in order to reduce the amount of subsidy that the City and CIC would need to provide to the project.

ENVIRONMENTAL REVIEW

An Initial Study leading to a Negative Declaration was prepared for the original project approvals which consisted of a General Plan Amendment, Rezoning, and BWIP Plan Amendment, Planned Development, and Major Design Review. The re-entitlement of the Planned Development and Major Design Review would be categorically exempt under California Environmental Quality Act (CEQA) Section 15332 (Infill Development Project).

FISCAL IMPACT

The proposed action allocates \$750,000 in HOME funds and a maximum of \$450,000 in City/CIC Housing Funds (Affordable Housing Unit/Fee and BWIP Housing) to this project, to be forgiven upon completion and sale of the eight affordable units. As anticipated in the initial approval of the project, the \$280,000 in HOME funds and \$260,000 in BWIP Housing funds previously allocated will also be forgiven upon completion and sale of the units. The proposed project will have no fiscal impact on the general fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This project is consistent with the Housing Element of the General Plan.

RECOMMENDATION

City Council Recommended Action:

Authorize the City Manager to negotiate and execute all documents necessary, including amendments to loan agreements (substantially in the form on file in the City Clerk's Office), with the Alameda Development Corporation in order to:

- 1. Allow the project to proceed as a subdivision ownership project;
- 2. Appropriate \$750,000 in City of Alameda HOME funds
- 3. Appropriate up to \$140,000 in Affordable Housing Unit/Fee Funds to be combined with BWIP Housing Funds in a City/CIC Housing Funds Regulatory and Loan Agreement, and
- 4. Amend and restate the Contract for Use of HOME Funds and related documents.

Honorable Chair and Members of the Community Improvement Commission

CIC Recommended Action:

Authorize the Executive Director to negotiate and execute all documents necessary, including amendments to loan agreements (substantially in the form on file in the City Clerk's Office), with the Alameda Development Corporation in order to:

- 1. Allow the project to proceed as a subdivision ownership project;
- 2. Appropriate up to \$450,000 in additional BWIP Housing Funds and Affordable Housing Unit/Fee funds; and
- 3. Amend and restate the City/CIC Housing Funds Regulatory and Loan Agreement and related documents.

Respectfully submitted,

Leslie A. Little

Development Services Director

By:

Rachel Silver

Development Manager, Housing

RS:sb

Attachment

cc: ADC Executive Director

Alameda Development Corporation

2363 Mariner Square Drive, Suite 240

Alameda, CA 94501

510 523 4460

www.alamedadevcorp.org

December 19, 2005

Rachel Silver Community Improvement Commission (CIC) of the City of Alameda Development Services Department 950 W. Mall Square, Room 215 Alameda, CA 94501

Dear Rachel:

The Alameda Development Corporation (ADC) and East Bay Habitat for Humanity (Habitat) propose to develop eight units of for-sale affordable housing at 626 Buena Vista. The ADC will enter into a partnership agreement with Habitat whereby Habitat functions as the co-developer and general contractor for the development, building all eight units. ADC and Habitat are in the process of finalizing a Memorandum of Understanding (MOU) which will memorialize the specifics of the partnership between the two organizations and delineate roles and responsibilities. A draft of the MOU has been completed and is currently being reviewed by ADC's and Habitat's attorneys.

ADC acquired the land at 626 Buena Vista and has thoroughly investigated development opportunities for this site. ADC and Habitat believe that this proposal represents a feasible and economical way to build homeownership housing at this site.

Under this agreement, four units will be marketed by Habitat to very-low and low-income households. ADC will market four units to low to moderate-income households. Per Community Redevelopment law, Housing costs (mortgage payment, taxes, insurance, maintenance, utilities, etc.) for the units will be 35% of 110% of Area Median Income (AMI) for the moderate income units, 30% of 70% of AMI for low income units, and 30% of 50% AMI for very low income (VLI) units.

Habitat will provide the mortgages for the units it markets. Although Habitat will participate in the CalHFA program that purchases mortgages, a ceiling has been placed on the amount East Bay Habitat is allowed to sell. Consequently, it is difficult to project the amount of funds that can be utilized by the project as this will be the first year Habitat participates in the program.

PROJECT SUMMARY

	<u>ADC</u>	HABITAT
Anticipated Design Bedrooms/Baths Unit Size	Duet 3/2 1,300 square feet	Duet 3/2 1,200 square feet
Household Income	2 Moderate Income, 2 Low Income	2 Low Income, 2 VLI

FINANCING

The project will be financed using a number of revenue sources, including the Affordable Housing Program, School Facility Fee Down Payment Assistance Program, and sales proceeds. Habitat plans to contract with a Fund Developer in 2006 and has agreed to contribute a total of \$500,000 through fundraising efforts. Habitat will also share any additional savings with ADC from donated materials and labor they receive.

We expect the price of ADC's low income units to yield \$165,000 each in sales proceeds and the moderate income units priced at 110% AMI to yield \$343,000 each for a total of \$1,014,000. Habitat will provide no interest mortgages to the four units it markets. We are exploring the possibility of securing additional sales proceeds through the City of Alameda's Downpayment Assistance program and other first-time homebuyer programs.

ADC and Habitat request that the City of Alameda provide the remaining \$1,175,053 needed to finance this project. (See attached project proforma.) This subsidy represents \$174,050 in non-recoverable predevelopment expenditures from the ADC's previous 626 Buena Vista project. Again, we are in the process of exploring alternative sources of funds the may reduce the amount of subsidy needed for the project. Habitat has evaluated the construction costs and has determined that the budget is sufficient to develop the project.

Please be assured that ADC and Habitat hope to secure additional savings. ADC cannot confirm or guarantee any reduction of costs at this time. However, we will secure the assistance of a construction professional to perform value engineering on the project in order to reduce costs and the assistance of a consultant to continue securing additional financing for the project.

DEVELOPMENT SCHEDULE

The proposed schedule for the project will be as follows: Site acquisition completed; permits by October 2006; construction to commence by October 2006; project completion within 12 month. Habitat will prepare construction schedules that identify the start and completion of construction. In addition, Habitat will begin marketing its units to homebuyers early in 2006. The typical marketing timeframe of 12 months can be condensed so that buyers will be identified and contracted by the start of construction. ADC will begin marketing units six months prior to

construction completion. Habitat and ADC will work cooperatively on buyer selection preferences. The process for marketing the ADC units will be similar to the buyer selection process for the Bayport development. A draft marketing plan has been included for your review.

ADC-HABITAT WORKING RELATIONSHIP

As previously agreed, ADC will provide the land, be responsible for fund management and will work with a development consultant to apply for outside funds. ADC also will sign contracts with the City of Alameda and review reimbursement requests to the City.

Habitat will serve as co-developer and general contractor. By working together, ADC and Habitat will be able to significantly reduce the development costs for this project. Habitat will raise \$500,000 for this project and pass along some savings from donated labor and materials.

The ADC looks forward to working with Habitat and the City of Alameda to provide muchneeded affordable housing in our community. Thank you for your consideration of this funding request.

Sincerely,

Kimberly Garay

Executive Director

Encl. Development Proforma

Samy S

Pricing Schedule for ADC Units

Marketing Plan

Cc: Dave Mercado, ADC Board of Directors

ADC Buena Vista Committee East Bay Habitat for Humanity

Habitat for Humanity as Co-Developer

Alameda Development Corporation 626 Buena Vista Ave. Updated 12.19.05

Number of Units Total Building SF Total Garage SF Site SF (approx.)

8

10,000 average = 1,250 sq. ft **1,760** average of 220 sq. ft **18,950**

Site SF (approx.)	18,950	Disastrandario de la composição de la comp	
And the state of t			
©OSTISE TO THE REPORT OF THE PROPERTY OF THE P	Participation Factors	SEPTEMBER OF PAIL FOR	CostUnition
Acquistion			
Land Acquisition & Closing Costs		360,460	45,058
Security Fencing & Demolition		<u>28,500</u>	3,563
Acquistion Subtotal		388,960	48,620
Construction and the second se			
Hard Cost (inc. overhead & profit)	\$85	1,005,000	125,625
General Conditions (Site Personnel)		120,000	15,000
Bonds		5,000	625
Hard Cost Contingency	10.0%	132,500	16,563
Site Improvements	\$40,000	320,000	40,000
Builder's Risk Insurance		10,000	1,250
FF & E (appliances, window treatments)	\$2,500	20,000	2,500
Construction Subtotal		1,612,500	201,563
Consultants			
Architectural/Engineering Fees		60,000	7,500
Civil Engineer		40,000	5,000
Previous Architectural Expenditures		101,611	12,701
Appraisal		7,500	938
Development Consultant		75,000	9,375
Environmental Phase I		2,500	313
Geotechnical Investigation (soils report)		10,000	1,250
Market Study		2,500	313
Subdividsion Consultant (DRE submittal)		10,000	1,250
Survey		2,500	313
Testing & Inspection (concrete structures)	\$1,000	8,000	1,000
Consultant Subtotal		307,111	38,389
Fees & Permits			700
School Fees	\$4.19	41,900	5,238
Building and Grading Permits		136,000	17,000
Previously Expended Permit Costs		24,302	
Utilities	\$10,000	80,000	10,000
FHA/VA Project Approvals	\$0	0	0
Legal Fees		15,000	1,875
Accounting, Audit, Cost Certification		7,500	938
Administrative expenses		20,000	2,500
Fees & Permits Subtotal		324,702	40,588
Marketing & Sales			
Marketing & Advertising		10,000	1,250

Homebuyer Counseling	5,000	20,000	2,500
Marketing & Sales Subtotal		30,000	3,750
Soft/Carrying Gosts			
Pre-Development Loan Interest	4.5%	9,000	1,125
Real Estate/Property Taxes	1.320%	13,200	1,650
Previously expended insurance		2,573	
Insurance (general liability/latent defect reserve)		250,000	31,250
Soft Cost Contingency	10%	66,181	8,273
Previous Bridge Loan Costs		6,623	828
Title, Escrow		12,000	1,500
Previously Expended Misc. Costs		38,941	4,868
Carrying Costs Subtotal		398,518	49,815
Soft Cost Subtotal		1,060,331	132,541
Soft Costs as a % of Hard Costs		66%	
Financing			Physical Computer (1997)
Construction Loan Interest	7.5%	123,064	15,383
Construction Loan Fees	0.75%	18,098	2,262
Developer Fee		160,000	20,000
Financing Subtotal		301,162	37,645
Fotal Project Costs		3,862,953	420 369
Sources of Revenue			
AHP	\$15,000	60,000	7,500
City of Alameda		540,000	67,500
School Facility Fee Down Payment Assistance Program		41,900	5,238
Sales Proceeds (ADC Units Only)		1,016,000	127,000
Additional Sales Proceeds		30,000	3,750
Fundraising - Habitat		500,000	62,500
Total Project Revenue Sources		2,187,900	273,488
(Gap)/Surplus		(1,475,058)	(146,882)

Amount of Construction Loan	2,413,028
X Avg outstanding balance%	60%
Avg amount borrowed	1,447,817
X annual interest rate	7.5%
equals interest owed if loan were for 1 year	123,064

^{1. 2} on-site staff for pre-construction and construction

Alameda Development Corporation

Homebuyer Selection Process for 626 Buena Vista

ADC will be responsible for selecting the four moderate income homebuyers at 626 Buena Vista and East Bay Habitat for Humanity will be responsible for selecting the four low and very low income homebuyers. ADC will implement a program similar to the one used for brokering the homes at Marina Cove and Bayport Alameda.

ADC will adopt a preference point system to prioritize lottery applicants. In the past the ADC has used a maximum 3 point system which awards 1 point for first-time homebuyers, 1 point for living or working in Alameda, and 1 point for 4 person households. It is anticipated that a system similar to this one will be utilized. This preference system can also be adapted to ensure compliance with the Guyton Settlement Agreement provision for former Buena Vista Apartment households. Regarding household selection for the Habitat for Humanity homes, the City will need to work with Habitat to provide a list of names of eligible households from the former Buena Vista Apartments at a very early stage to give Habitat sufficient time to invite those household to apply for their selection process.

Step 1: Conduct Mandatory Homebuyer Orientation Meeting

ADC will hold a mandatory orientation meeting for all household interested in applying for the lottery to buy one of the homes. During the meeting ADC will describe the project and explain qualifying criteria. ADC also will field questions from the audience. The meeting will be publicized using existing homebuyer interest lists from ADC, Habitat for Humanity, Bayport Alameda, City of Alameda, and the Alameda Housing Authority. ADC will utilize email, flyers and newspapers to publicize the mandatory meeting. Those who attend the meeting will be given an application for the lottery.

Step 2: Screen Lottery Applications for Program Eligibility

ADC will review lottery applications for eligibility. All households that are disqualified will be notified by mail.

Step 3: Conduct Lottery

ADC will conduct a random drawing to assign lottery numbers. Applications that earn 3 points will be drawn first, applications that earn 2 points will be drawn second, applications that receive 1 point will be drawn third, and applications that receive 0 points will be drawn fourth.

Step 4: Gather Applicant Documentation and Meet with Applicants

ADC will collect income verification documentation from lottery picks. Using the City's Form 1040, the ADC will determine income eligibility. ADC also will verify other eligibility factors such as household size and residency/place of employment. ADC will meet with applicants who meet the program requirements to explain how the rest of the buyer selection process will work and conduct additional business such as authorizing a credit check, signing disclosures, etc.

Step 5: Applicants Attend Mandatory Homebuyer Education Classes

Applicants will be required to attend the ADC's homebuyer education program. The classes will cover money and credit management, selecting a lender, homeowner responsibilities, and other related topics. The homebuyer education program provides prospective homebuyers an opportunity to learn more about becoming a homeowner as well as learn more about the specific housing development in which they hope to buy a home.

Step 6: Applicants Obtain Bank Loan Pre-Approval

Applicants will be given a deadline to secure bank loan pre-approval. The ADC will establish relationships with reputable lenders that have experience working with moderate income households and providing financing for below-market-rate homes with affordability covenants. The lenders will pre-approve the affordability covenant, and will be prepared to work on applications for financing in an expeditious manner. There will be at least two lenders to choose from, and ADC will attempt to secure three lenders/brokers in order to provide homebuyers with financing options. ADC will strongly advise applicants to secure financing from one of the pre-approved lenders to ensure that applicants do not become victims of predatory lenders, and to ensure that the lending institutions can turn around the financing fast enough so that the household do not lose their lottery number.

Step 7: Applicants Sign Contract to Purchase Home

Buyers meet with the ADC to review disclosures and sign a contract to purchase a home.

Step 8: Applicants Apply for a Mortgage

Applicants will be given a deadline to secure a fully underwritten loan. This will secure their home.

Step 9. City Reviews Applicant Approval Package

ADC will forward homebuyer application packets to the City of Alameda for review. Upon City approval, the affordability covenant will be sent to the title company for signing along with the loan documents.

Step 10: Applicants Sign Closing Documents, Own the Home!

Step 11: Homeowners Attend Basic Home Maintenance Workshop

ADC will require the homeowners to attend a basic home maintenance workshop within a designated period after purchasing their home. The workshop may be offered by the ADC, Habitat for Humanity, or another organization/company at the ADC's discretion.

ADC and Habitat for Humanity will work together to coordinate the buyer selection process and the educational programs, and we will attempt to combine our efforts such as the homebuyer education programs whenever feasible.

	Development Task	Duration	Start	Finish
1	Pre-Design			
2	ADC site selection and acquisition	90	3/17/2000	6/15/2000
3	ADC/Habitat finalize development proforma	47	12/4/2005	1/20/2006
4	ADC/Habitat finalize Memorandum of Understanding	28	1/20/2006	2/17/2006
5	ADC/Habitat select design team consultants	35	1/20/2006	2/24/2006
6	ADC arrange financing and submit funding applications	179	3/6/2006	9/1/2006
7	Habitat target fund raising sources	39	1/20/2006	2/28/2006
8	Alameda City Council approval	1	2/21/2006	2/21/2006
9			•	
10	Design			
11	ADC/Habitat hire architect and structural engineer	7	2/22/2006	3/1/2006
12	Develop site plan and building footprints	16	3/1/2006	3/17/2006
13	Meet with planning and refine the plan	14	3/20/2006	4/3/2006
14	Prepare PD/design review and subdivision applications	11	4/3/2006	4/14/2006
15	Planned development/design review	35	4/17/2006	5/22/2006
16	Finalize construction drawing set	46	5/15/2006	6/30/2006
17	Apply for building permit	1	7/3/2006	7/3/2006
18	Habitat family selection process	189	5/1/2006	11/6/2006
19	ADC family selection process	84	8/14/2006	11/6/2006
20				
21	Construction			
22	Site work and foundations	45	10/16/2006	11/30/2006
23	Framing and rough-ins	89	12/1/2006	2/28/2007
24	Siding	60	2/19/2007	4/20/2007
25	Drywall	46	4/16/2007	6/1/2007
26	Finishes	72	6/4/2007	8/15/2007
27	Landscaping, inspections and certificate of occupancy	43	8/16/2007	9/28/2007
28				
29	Post Construction			
30	Transfer of title	33	9/28/2007	10/31/2007
31	Families move in	29	11/1/2007	11/30/2007

UNAPPROVED

MINUTES OF THE SPECIAL CITY COUNCIL MEETING SATURDAY- -FEBRUARY 4, 2006- -4:00 P.M.

Mayor Johnson convened the Special Meeting at 5:00 p.m.

Roll Call - Present: Councilmembers deHaan, Matarrese, and

Mayor Johnson - 3.

Absent: Councilmembers Daysog and Gilmore - 2.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9; Number of cases: One.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced the Council directed that temporary barricades be placed at the foot of Grand Street, northbound, pending investigation and report.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 5:05 p.m.

Respectfully submitted,

Lara Weisiger City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

Special Meeting Alameda City Council February 4, 2006

UNAPPROVED MINUTES

MINUTES OF THE SPECIAL CITY COUNCIL MEETING TUESDAY - - FEBRUARY 7, 2006 - - 5:30 p.m.

Mayor Johnson convened the Special Meeting at 5:30 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,

Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(06-) Conference with Labor Negotiators - Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association.

(06-) Conference with Labor Negotiators - Agency Negotiators: Marie Gilmore and Frank Matarrese; Employee: City Attorney.

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association, the Council obtained briefing and gave instructions to labor negotiators; regarding the City Attorney, the Council discussed the City Attorney's employment Contract.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:30 p.m.

Respectfully submitted,

Lara Weisiger City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

Special Meeting Alameda City Council February 7, 2006

UNAPPROVED MINUTES

MINUTES OF THE REGULAR CITY COUNCIL MEETING TUESDAY - - - FEBRUARY 7, 2006 - - - 7:30 P.M.

Mayor Johnson convened the Regular Meeting at 8:57 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,

Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-) Proclamation declaring January 30, 2006 through April 4, 2006 as A Season for Nonviolence.

Mayor Johnson read the proclamation and requested staff to forward the proclamation to the New Parent Support Group and Alameda Collaborative for Children, Youth & Families.

(06-) Presentation by the Port of Oakland on the draft 20-year Master Plan for the Oakland Airport.

Steve Grossman, Director of Aviation, provided a brief report on the Master Plan study, and Doug Mansel, Project Manager, provided a Power Point presentation.

Mayor Johnson thanked Mr. Grossman and Mr. Mansel for the presentation; recognized Dave Needle with the Airport Operations Committee; expressed thanks to the Port Executive Director and the Board of Commissioners for working with the community; stated she was impressed with the projected cargo traffic reductions.

Melody Marr, Alameda Chamber of Commerce, thanked the Port of Oakland for including the community in the process.

Councilmember Matarrese thanked the Port of Oakland and members of the community who participated in the work sessions; stated he appreciates throttling back the noisiest operations; he is concerned with the accident prone general aviation which ends up over Bay Farm Island and the east end of the Island; he hopes that Alameda's and San Leandro's weight exceeds the other nine Bay Area counties regarding the full 2025 projection; he does not want to sacrifice Alameda's safety or comfort for others convenience.

Councilmember Daysog stated that the City should be proud of the knowledgeable residents involved with the Airport Operating Committee; the progress has been positive.

Mayor Johnson stated that resident knowledge has been extensive.

Councilmember deHaan inquired when regional dialogue would commence regarding the other runways.

Mr. Grossman responded preliminary discussions have been initiated with the Metropolitan Transportation Commission (MTC) and Regional Airport Planning Committee; the work should start within the year and continue to be a multi-year process.

Councilmember deHaan stated Alameda's voice is important throughout the process.

(06-) Library project update

The Project Manager gave a brief update.

Mayor Johnson inquired whether branch library hours would cover the Main Library hours during the closure.

The Acting Library Director stated covering the hours was not feasible because extra staff was needed for the tagging process; the public would be advised on the closure through a major press release along with a notice from the schools; staff could review the matter again.

Mayor Johnson inquired whether collections would be tagged on the weekends.

The Acting Library Director responded collections would be tagged six days a week at the Main Library; the branch library collections would be tagged on the existing closed days [Friday and Sunday].

Mayor Johnson inquired whether the branch library collections would be tagged in two days.

The Acting Library Director responded in the negative; stated the branch library tagging will not start at this time; the two-week process would concentrate on the Main Library.

Councilmember Matarrese inquired whether high school students or temporary staffing could help with the tagging process.

The Acting Library Director responded in the negative; stated the process is quiet involved.

Councilmember Daysog stated a plan seems to be in place for the transition.

Vice Mayor Gilmore stated that she understands the desire to keep one of the branch libraries open full time; the branch libraries are small and would not accommodate the number of people who use the interim Main Library; she is not sure of the additional benefit in opening a branch library for seven days.

The Acting Library Director stated that extended hours are being planned for the branch libraries during the closure in October.

Councilmember Matarrese inquired what are the closure days, to which the Acting Library Director responded March 6 through March 19.

Councilmember Matarrese inquired whether the closure could be in the summer.

The Acting Library Director responded in the negative; stated summer closure would not provide enough time for tagging and would impact the summer reading programs.

Mayor Johnson inquired how much time is needed for the tagging.

The Acting Library Director responded that two-thirds to threequarters would be completed during the closure.

Mayor Johnson inquired when the process would be completed, to which the Acting Library Director responded hopefully October.

Mayor Johnson inquired whether the school schedule would be affected.

The Acting Library Director responded in the negative; stated Donna Fletcher, Alameda Unified School District, advised her that the proposed closure dates are the best time to perform the tagging; the School District is helping to get the word out through a newsletter.

Mayor Johnson requested staff to review the possibility of keeping one of the branch libraries open during the two-week closure of the Main Library if there is a huge outcry over closure.

Vice Mayor Gilmore inquired whether future rains would affect the

progress of the project, other than brickwork.

The Project Manager responded rains would affect the exterior brickwork; interior brickwork would be done in lieu of the exterior brickwork; noted the new Main Library will have 75 public use computers instead of the current 12.

Mayor Johnson inquired whether the project is ahead of schedule.

The Project Manager responded the project is slightly ahead of schedule and within budget.

* * *

Councilmember deHaan excused himself from the City Council Meeting at 9:49 p.m. due to a pinched nerve.

CONSENT CALENDAR

Mayor Johnson announced that the bills for ratification [paragraph no. [06-] was removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember deHaan - 1.]

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(*06-) Minutes of the Special and Regular City Council Meetings held on January 17, 2006, and Special Joint City Council and Alameda Reuse and Redevelopment Authority Meeting held on February 1, 2006. Approved.

(06-) Ratified bills in the amount of \$5,501,850.82.

Mayor Johnson thanked the Finance Director for the new check register format.

Councilmember Matarrese moved approval of ratifying the bills in the amount of \$5,501,850.82.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember deHaan - 1.]

- (*06-) Resolution No. 13923, "Appointing an Engineer and an Attorney for Island City Landscaping and Lighting District 84-2." Adopted.
- (*06-) Resolution No. 13924, "Appointing an Engineer and an Attorney for Maintenance Assessment District 01-01 (Marina Cove)." Adopted.

REGULAR AGENDA ITEMS

(06-) Ordinance No. 2946, "Amending the Alameda Municipal Code by Adding Section 2-18 (Alameda Film Commission) to Chapter II (Administration), Establishing an Alameda Film Commission, and Prescribing Membership and Duties of Said Commission." Finally passed.

Councilmember Matarrese stated the Film Commission would help to manage the impacts on the neighborhoods and increase business opportunities.

Councilmember Matarrese moved final passage of the Ordinance.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember deHaan - 1.]

(06-) Resolution No. 13925, "Supporting Equal Opportunity Access to Community Sports Facilities and Community Sponsored Recreation Programs." Adopted.

The Acting Recreation and Park Director provided a brief report on Assembly Bill 2404.

Councilmember Matarrese inquired whether Alameda programs are in full compliance, to which the Acting Recreation and Parks Director responded in the affirmative.

Councilmember Matarrese stated that adoption of the Resolution would ensure that requirements are met for both City-owned and non-City owned programs and facilities; he is please with the efforts made in advance of the Resolution.

Mayor Johnson requested that the actual policy to be adopted by the Recreation and Park Commission on February 9 be brought back to the Council for review; stated that the Resolution is vague; the policy needs to be consistent with the Resolution and State law; thanked staff for being responsive; stated she is impressed with the plans to move forward with renovation and improvements of three fields.

Vice Mayor Gilmore moved adoption of the Resolution.

Vice Mayor Gilmore stated that the resolution provides non-discriminatory access to fields and times; certain groups have been given the least favorite fields and times in the past; the Resolution would ensure a balance in times and field locations.

Mayor Johnson stated that she appreciates former Councilmember Barbara Kerr originally bringing the matter to the Council's attention.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember deHaan - 1.]

ORAL COMMUNICATIONS, NON-AGENDA

None.

COUNCIL COMMUNICATIONS (Communications from Council)

(06-) Consideration of Mayor's nomination for appointment to the Economic Development Commission.

Mayor Johnson nominated Lorre Zuppan for appointment to the Economic Development Commission.

(06-) Discussion regarding a resolution calling upon steps to withdraw our Reservists, Coast Guard Units and members of the California National Guard troops from Irag.

Joseph Woodard, Alameda, quoted 2005 Nobel Prize Playwright Harold Pinter; urged a return of the troops.

Mary Abu-Saba, Alameda Peace Network, stated that Alameda needs the California National Guard back.

Susan Galleymore, Alameda, stated the War has caused a lot of horror and destruction; urged bringing the National Guard home.

Mark Irons, Alameda, urged the Council to place the resolution on the next agenda for discussion.

Sallyanne Monti, Alameda, stated the death rate of the National Guard is 35% higher than other units of service; urged return of the National Guard.

Dorothy Kakimoto, Alameda, stated that the War is robbing social services; urged the return of the National Guard.

Kathryn Neale Manalo, Alameda Chapter, Network of Spiritual Progressives, urged the return of the National Guard.

Pat Flores, Alameda, urged the Council to speak out by passing the resolution.

Noel W. Folsom, Alameda, commended Councilmember Matarrese for bringing the matter to public attention; urged the Council to adopt the resolution.

Carl Helpern, Alameda, stated that he was in support of the resolution; the California National Guard was not intended to be an army operational force and should be brought home.

Councilmember Matarrese stated that Alameda is the appropriate place to address the issue and vindicates the controversial vote that occurred four years; there is a difference between a no-cost conveyance and hundreds of millions of dollars of clean up that cannot be done; the City needs to beg for money from the Corps of Engineers to repair the seawall; Alameda's Marine unit was deployed; the National Guard and Coast Guard deployment directly impact Alameda; requested the Council to place the resolution on the next City Council agenda.

Vice Mayor Gilmore inquired whether the resolution language could be discussed if the Council votes to place the matter on the next agenda, to which the City Attorney responded in the affirmative.

Councilmember Matarrese stated that he would like to hear comments on the wording of the resolution.

Mayor Johnson stated the Councilmembers could make comments at this time; public comment would be heard when the resolution is brought back; stated that a Senate Hearing addressed concerns with the State levels of the National Guard; the percentage of National Guard troops in Iraq was approximately 40% and is currently down to approximately 30%; the National Guard has a two-year time limit for activation; she supports the resolution with regard to the National Guard; she does not believe that California is prepared to deal with a natural disaster; stated she is a little less comfortable with locally dealing with the troop levels, although spending money in Iraq has an impact on local governments; stated that two resolutions could be proposed.

Councilmember Daysog stated that Alameda is a middle-of-the-road type City; Alameda's comments carries weight on issues of global significance; words should chosen carefully and wisely; the public

can be engaged to receive more input on the terms of US policy in Iraq; kindling should not be thrown on the fire that is already in Washington, D.C. and Sacramento; there is an opportunity to responsibility discuss the matter.

Vice Mayor Gilmore stated that she was impressed with the eloquence of tonight's speakers; urged that the matter be placed on an agenda for action; stated she can see the arguments for bringing the California National Guard home; she is comfortable in supporting the decision; she is less comfortable about inserting herself in the national debate regarding levels of troops, even though personally she is not in favor of having troops in Iraq; she would look forward to having a discussion on the matter and receiving more information from experts before rendering an opinion; two resolutions may be appropriate.

Councilmember Daysog stated several resolutions could be considered.

Vice Mayor Gilmore moved to place the matter on the next City Council agenda.

Mayor Johnson stated that there was some discussion on Assembly Member Hancock's resolution regarding the authority of the Governor and Federal Legislation; she would like to have more information on how the issue relates to the National Guard.

Councilmember Matarrese seconded the motion.

Councilmember Matarrese stated that there is some urgency regarding the matter; he would like to have Alameda's voice heard in getting Assembly Member Hancock's resolution passed; the deficit impacting Alameda is a certainty just like an earthquake on the Hayward fault; the deficit impact has already visited Alameda on the Base.

The City Manager requested clarification on the concept of two resolutions.

Councilmember Matarrese stated that he does not advocate a combination; he would prefer a simple, direct approach.

Councilmember Daysog stated that he would prefer to pursue a more simple resolution which has no reference to situations in Washington, D.C. or Sacramento, but which addresses a statement of belief from Alameda.

Mayor Johnson stated that any Councilmember could bring ideas for discussion; other draft resolutions could be part of the Council

packet.

Vice Mayor Gilmore moved approval of placing the matter on the next agenda.

Councilmember Matarrese seconded the motion, which carried by the following voice vote: Ayes: 4 by consensus/Absent: Councilmember deHaan - 1.

(06-) Councilmember Matarrese stated a number of signs throughout the City may violate the sign ordinance; requested staff to investigate the matter.

The City Manager inquired whether the signs were temporary.

Councilmember Matarrese responded that some of the signs are more permanent than temporary.

ADJOURNMENT

(06-) There being no further business, Mayor Johnson adjourned the meeting at 10:43 p.m. in a moment of silence for Former Mayor Chuck Corica and Coretta Scott King.

Respectfully submitted,

Lara Weisiger City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

Honorable Mayor and Councilmembers:

This is to certify that the claims listed on the check register and shown below have been approved by the proper officials and, in my opinion, represent fair and just charges against the City in accordance with their respective amounts as indicated thereon.

Check Numbers	<u>Amount</u>
145188 - 145618	1,256,983.93
E14529 - E14646	73,354.33
EFT 176	25,610.00
EFT 177	18,291.46
EFT 178	44,931.79
EFT 179	36,182.22
EFT 180	18,704.64
EFT 181	44,938.32
	·
Void Checks:	
144388	(42.63)
144189	(50.00)
144012	(710.00)
144860	(2,076.00)
EFT 177	(18,291.46)
EFT 178	(44,931.79)
	(, ,

Respectfully submitted,

Pamela J. Sibley

GRAND TOTAL

1,452,894.81

CITY OF ALAMEDA MEMORANDUM

Date: February 8, 2006

To: Honorable Mayor and

Councilmembers

From: Debra Kurita

City Manager

Re: Recommendation to Appropriate \$170,000 in Urban Runoff Funds and Authorize the

City Manager to Execute a Contract with Regency Centers for Repairs of Public Drainage Facilities in Coordination with Construction of the Bridgeside Shopping Center

Improvements

BACKGROUND

The City has existing storm drainage facilities along Broadway and Pearl Street that run through the Bridgeside Shopping Center and outfall into the Alameda/Oakland estuary. As part of the Bridgeside Shopping Center design, these facilities are placed within the parking lot, landscape improvement areas and walkways for ease of maintenance. At the City's request, Alameda Bridgeside Shopping Center, LLC (also known as Regency Centers), the Developer for the Bridgeside Shopping Center, inspected the condition of our facilities and determined that the existing pipes need rehabilitation.

DISCUSSION

Since the Bridgeside Shopping Center is currently under construction, the City has an opportunity to repair the drainage facilities through Regency Centers. Performing the work now would be cost effective and avoid having future repair activities disrupt the daily operations of the Center. The Broadway line will be repaired using a trenchless pipe replacement procedure which lines the existing pipe with a thin layer of high-density polyethylene. The Pearl Street line repair will involve replacement of specific lengths of pipe that are significantly deteriorated. Regency Centers has submitted a bid to complete the work for \$155,730. Staff also solicited bids to perform this maintenance and repair work, and received only one bid which was substantially higher (29%) than the proposal from Regency Centers. Therefore, staff has determined that the proposal from Regency Centers is competitive. To avoid delaying the construction schedule of the Shopping Center, staff recommends entering into an agreement with Regency Centers, for storm drainage repair work within the Bridgeside Shopping Center. A copy of the agreement is on file in the City Clerk's Office.

Report 4-C 2-21-06

BUDGET CONSIDERATION/FINANCIAL IMPACT

The budget for the project will be \$170,000 to cover the costs for construction (plus contingency), permits and inspection. Funding is available from the Urban Runoff fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action will not affect the Municipal Code.

RECOMMENDATION

Appropriate \$170,000 in Urban Runoff Funds and authorize the City Manager to execute a contract with the Regency Centers for repair of public drainage facilities in coordination with the construction of the Bridgeside Shopping Center improvements.

Respectfully submitted,

Matthew T. Naclerio Public Works Director

Prepared by:

Robert Claire

Associate Civil Engineer

MTN:RC:gc

cc: Chief Financial Officer

G:\pubworks\pwadmin\COUNCIL\2006\010306\Bridgesidestormdrain.doc

CITY OF ALAMEDA MEMORANDUM

Date: February 7, 2006

To: Honorable Mayor and

Councilmembers

From: Debra Kurita

City Manager

Re: Recommendation to Appropriate Funds and to Award Contract in the Amount of \$2,057,000

to Pacific Trenchless, Inc. for Cyclic Sewer Repair Project, Phase 4, No. P.W. 05-03-11.

BACKGROUND

On May 17, 2005, the City Council adopted plans and specifications and authorized a call for bids for the Cyclic Sewer Repair Project, Phase 4, No. P.W. 05-03-11. The project consists of rehabilitating approximately 11,300 linear feet of sanitary sewer pipeline and 380 linear feet of service laterals and associated work at the following locations:

- Laurel Street (Clinton Avenue to Powell Street)
- Regent Street (Otis Drive to Central Avenue)
- Walnut Street (Clement Avenue to Clinton Avenue)
- Willow Street (Central Avenue to Clinton Avenue)

The following two additional locations were identified as part of the bid package, but the City reserved the right to decide whether the work would be authorized based on available funding and associated costs:

- ADD ALTERNATE A Walnut Street at Clement Avenue at railroad crossing.
- ADD ALTERNATE B Sewer line within 10' sewer easement between Bayo Vista Avenue and Fernside Boulevard (Monte Vista Avenue to the end of sewer line past Fairview Avenue).

On August 10, 2005 four bids were received and opened. The bid amount for the total project (base bid plus Add Alternates A and B) ranged from \$2,108,000.00 (lowest) to \$2,731,130.00 (highest). On September 20, 2005, the City Council rejected the bids and authorized a modified second call for bids that lengthened the construction period from 70 days to 120 days, and scheduled construction to begin in the spring of 2006. These modifications were recommended based on input from the bidders to provide the contractor with more flexibility and thereby reduce the total bid amount.

Report 4-D 2-21-06

DISCUSSION

To solicit the maximum number of bids and the most competitive price in the second call for bids, specifications were provided to 18 separate building exchanges throughout the Bay Area. In addition, a notice of bid was published in the *Alameda Journal*. Bids were opened on January 19, 2006. Bidders from lowest to highest for total project cost (base bid plus add alternates A and B) is as follows:

Bidder	Location	Base Bid	Add Alternate A	Add Alternate B	Total Bid Amount
Pacific	Oakland	\$1,806,000	\$24,000	\$64,000	\$1,894,000
Trenchless, Inc.					, ,
K.J. Woods	San Francisco	\$2,148,000	\$ 5,000	\$35,000	\$2,188,000
Construction					

Staff recommends that the contract be awarded for base bid plus Add Alternate B, to Pacific Trenchless, Inc. for a total price of \$2,057,000, including a 10% contingency. Because of concerns associated with obtaining the necessary permits from the railroad, award of Add Alternate A is not recommended.

ENVIRONMENTAL COMPLIANCE

The Cyclic Sewer Repair Project, Phase 4 has been determined to be Categorically Exempt from California Environmental Quality Act in accordance with CEQA Section 15301.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The project is budgeted as CIP # 95-02 from the Sanitary Sewer Enterprise Fund with an original allocation of \$1,600,000, based on a 2002 estimate. Staff recommends that the City Council appropriate an additional \$851,100 in Sewer Funds to fully fund the design, construction, inspection and construction management of the project. In addition, five property owners (3300, 3304, 3308, 3312, and 3316 Fernside Boulevard) will be contributing a total of \$9,900 for a portion of the work associated with Add Alternate B.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the Municipal Code.

RECOMMENDATION

Appropriate funds and award contract in the Amount of \$2,057,000 to Pacific Trenchless, Inc. for Cyclic Sewer Repair Project, Phase 4, No. P.W. 05-03-11.

Respectfully submitted,

Matthew T. Naclerio Public Works Director

Prepared by:

Cucs

CW Chung

Associate Civil Engineer

MTN:CWC:gc

G:\pubworks\pwadmin\COUNCIL\2006\022106\Cyclicsewer4.doc

CITY OF ALAMEDA MEMORANDUM

Date:

February 21, 2006

To:

Honorable Mayor and

Councilmembers

Fm:

Debra Kurita City Manager

Re:

Recommendation to Approve the Purchase of Five Communications Center

Workstations for the Police Department from Wright-Line Technical

Environment Solutions in the amount of \$45,535.03

BACKGROUND

On December 6, 2005 the City Council approved a call for bids for the replacement of the Police Department Communication Center workstations.

DISCUSSION/ANALYSIS

The City of Alameda received two bids, one from Wright-Line Technical Environment Solutions in the amount of \$45,535.03 and Xybix Systems Inc. in the amount of \$42,915.97 (bid documents on file in the City Clerk's Office). Although Xybix Systems Inc. submitted the lower bid, their workstation design is not compatible with the desired Communication Center design, nor does it provide the individualized workstation configuration preferred to perform uninterrupted dispatch duties. The Xybix Systems Inc. design is similar to the current workstation configuration, which is prone to causing dispatcher distraction. The workstation design by Wright-Line Technical Environment Solutions provides for separate workstations, which allow dispatchers to remain focused on their duties, including communicating with citizens and police officers while monitoring their calls on multiple computer screens. Wright-Line Technical Environment Solution's product best meets the needs of the Police Department's Communication Center.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This action does not affect the municipal code.

BUDGET CONSIDERATION/FINANCIAL IMPACT

The cost to purchase five Communications Center workstations from Wright-Line Technical Environment Solutions is \$45,535.03. Funds for this expenditure will be allocated from the 2006 COPPS Grant.

RECOMMENDATION

Approve the purchase of five Communications Center Workstations from Wright-Line Technical Environment Solutions in the amount of \$45,535.03.

Respectfully submitted,

Craig L. Ojala

Interim Chief of Police

Bid documents on file in the City Clerk's Office

CLO/af/jsb

APPOINTING LORRE ZUPPAN AS A MEMBER OF THE CITY ECONOMIC DEVELOPMENT COMMISSION (COMMUNITY-AT-LARGE SEAT)

BE IT RESOLVED by the Council of the City of Alameda that pursuant to Section 2-14.2 of the Alameda Municipal Code and Resolution No. 12149, and upon nomination of the Mayor, LORRE ZUPPAN is hereby appointed to the office of Community-At-Large seat Member of the Economic Development Commission of the City of Alameda, commencing February 21, 2006 and expiring on August 31, 2009 and to serve until her successor is appointed and qualified.

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in regular meeting assembled on the _____ day of _______, 2006, by the following vote to wit:

AYES:

NOES:
ABSENT:
ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of _______, 2006.

Lara Weisiger, City Clerk

City of Alameda

CITY ATTORNE

CITY OF ALAMEDA

Memorandum

Date:

February 21, 2006

To:

Honorable Mayor and

Councilmembers

From:

Debra Kurita

City Manager

Re:

Report on Proposed PERS Golden Handshake Retirement under California

Government Code Section 20903

BACKGROUND

The PERS "Golden Handshake" program, as established under California Government Code Section 20903, allows a City, as a part of a budget reduction process, to offer a retirement incentive of two years extra service credit to employees in designated positions. The parameters of the program require that the employees must be eligible to retire, have at least five years of service with PERS and must retire within the period of time identified by the Council. Additionally, the program requires the City to provide public notice of the potential costs and savings generated from implementing this program at least two weeks prior to the adoption of a resolution that it intends to offer this retirement option.

DISCUSSION

The following positions at Alameda Power & Telecom have been identified for consideration for the Golden Handshake program:

Division/Unit Classification

Administrative Services/Financial Services
Administrative Services/Support Services
Administrative Services/Support Services
Administrative Services/Information Services

Administrative Services/Information Services

Administrative Services/Information Services

Engineering and Planning

Engineering and Planning

Marketing/Customer Service Marketing/Customer Service Marketing/Customer Service Marketing/Customer Service

Marketing

Marketing Operations/Line

Senior Utility Accountant Support Services Clerk I

Telephone Operator/Receptionist Computer Programmer/Analyst

Information Systems Operation Technician

Utility Services Manager

Electrical Equipment Maintenance Superintendent

Customer Service Representative Customer Service Representative Customer Service Representative Customer Service Representative

Senior Clerk

Marketing Coordinator

Engineering Office Assistant

Report 5-B 2-21-06

BUDGET CONSIDERATION/FINANCIAL IMPACT

The added retirement cost will be included in annual valuation reports from PERS beginning with fiscal year 2008/2009. Only the costs for those employees who actually retire under these provisions will be included. Fiscal year savings are calculated based on applicable incumbent criteria; Alameda Power & Telecom information may vary according to Public Utilities Board staffing authorization.

It is estimated that the cost and savings to Alameda Power & Telecom will be as follows:

	Est	timated	Sul	osequent
	PE	RS	Sav	vings per
Classification	<u>Co</u>	<u>st</u>	<u>Fis</u>	cal Year
Senior Utility Accountant	\$ 4	44,914	\$ 8	33,174
Support Services Clerk I	\$	16,465	\$ 3	37,421
Telephone Operator/Receptionist	\$	9,285	\$ 2	21,102
Computer Programmer/Analyst	\$ 3	38,807	\$ '	71,864
Information System Operation Technician	\$ 2	29,457	\$:	54,550
Utility Services Manager	\$:	56,800	\$12	29,090
Electrical Equipment Maintenance Superintendent	\$:	53,801	\$ 9	99,632
Customer Service Representative	\$ 2	27,387	\$ 4	48,906
Customer Service Representative	\$ 2	26,409	\$ 4	48,906
Customer Service Representative	\$ 2	25,353	\$ 4	46,950
Customer Service Representative	\$:	25,353	\$ 2	46,950
Senior Clerk	\$:	25,873	\$ 4	46,201
Marketing Coordinator	\$.	44,914	\$ 3	83,174
Engineering Office Assistant	<u>\$:</u>	28,185	<u>\$</u> :	50,330
	Total \$4	53,003	\$80	68,250

RECOMMENDATION

Receive and file this report identifying the costs of the proposed PERS Golden Handshake program and direct staff to prepare a resolution approving a Golden Handshake retirement period to be considered at the March 7, 2006 meeting.

Respectfully submitted,

(May)

Karen Willis

Human Resources Director

CITY OF ALAMEDA MEMORANDUM

February 15, 2006

TO:

Honorable Mayor and

Councilmembers

FROM:

Debra Kurita

City Manager

RE:

Adoption of Long-Term Park Use Policy

BACKGROUND

On September 7, 2004 the City Council requested that the Recreation and Park Commission develop a Long-Term Park Use Policy that would govern the private use of City park lands for the Council's consideration. On June 7, 2005, after reviewing a draft proposal, the Council requested that the document be revised to include a precise definition of long-term use, a limit on the amount of space that could be utilized in a given park, and specific language indicating that the Recreation Commission would be responsible for reviewing and approving applications with the applicant having the right of appeal to the City Council. The document was then remanded to the Recreation and Park Commission for further study. The Recreation and Park Commission addressed the Council concerns and is resubmitting the Long-Term Park Use Policy.

DISCUSSION/ANALYSIS

The City routinely receives requests for long-term use of park land and facilities from a variety of entities including public, private, commercial, non-profit, for-profit, and governmental agencies. After reviewing park use policies from other cities, the Recreation and Park Commission defined long-term use as requests for exclusive use for 72 hours or more that would occupy more that 15% of the total acreage available in the effected park.

The mission of the Alameda Recreation and Park Department is to provide quality public parks and facilities and cultural and recreational programs for the community that enrich the quality of life by increasing cultural unity, foster human development, protect environmental resources, support economic development, and support a sense of community. Occasionally, requests for long-term use of park land and facilities by non-city sponsored entities for private profit making enterprises conflict with this mission. To address these requests, while preserving the public character of the parks, the Recreation and Park Commission created the Long-Term Park Use Policy.

Report 5-C 2-21-06

BUDGET CONSIDERATION/FINANCIAL IMPACT

Impact of the Long-Term Park Use Policy will be absorbed within the General Fund.

MUNICIPAL CODE/POLICY DOCUMENT CROSS REFERENCE

This Policy complements the Alameda Municipal Code, Section XXII, Parks, Recreation Areas and Public Property.

RECOMMENDATION

Adoption of the Long-Term Park Use Policy.

Respectfully submitted,

Debra Kurita

City |

Alameda Recreation & Parks

DK:DL:JK:bf

Attachment

City of Alameda Recreation & Parks Long-Term Park Use Policy

Purpose

It is the intent of the Long-Term Park Use Policy to preserve and protect Alameda's parks and recreation facilities, to maintain their public character and to ensure their availability for public use and enjoyment. Further, the policy is designed to prevent damage to park and recreation facilities and to discourage inappropriate and or unauthorized use of park property.

This Policy complements the Alameda Municipal Code, Section XXII, Parks, Recreation Areas and Public Property.

Long-Term Use Defined:

Long-term use shall be defined as requests for exclusive use for 72 hours or more.

Limitations on Long-Term Park Use:

The mission of the Alameda Recreation and Park Department (ARPD) is to provide "quality public parks and facilities and cultural and recreational programs for the community that enrich the quality of life by increasing cultural unity, fostering human development, protecting environmental resources, supporting economic development and strengthening Alameda's sense of community." ARPD reserves priority use for any and all park land and recreation facilities for programs and activities that uphold its mission. Individuals or organizations offering non-City sponsored programs or activities that compete, conflict, and/or are comparable to those provided or sponsored by ARPD will not be granted long-term use of park land or recreation facility space.

ARPD programs and activities will not be displaced or restricted in any way to accommodate long-term use by a requesting entity.

Long-term use of park land or recreation facilities by non-City sponsored entities for profit making enterprises will not be entertained.

Uses by non-City sponsored, non-profit organizations that would occupy more than 15% of the total acreage available in the affected park will not be considered.

Uses requiring change to the existing conditions of park land or recreation facilities (i.e., construction of additional facilities, paving over open space, or barriers to open space) must comply with established planning and building policies and procedures for the City of Alameda.

Park land and recreation facilities are designed for public use. Therefore, entities requesting approval for long-term use of park land and recreation facilities must be able to accommodate participation from the general public and not be limited by membership association.

Entities interested in submitting a request for Long-Term Park Use should complete the accompanying Alameda Recreation and Parks Long-Term Park Use Application and submit it to the ARPD Director or Designee for consideration.

Applicants will schedule a pre-application meeting with the ARPD Director or designee to review the proposed request and to discuss additional details regarding the process.

All applications for Long-Term Use will be submitted to the Recreation and Park Commission for approval, subject to appeal to the City Council.

Alameda Recreation and Parks Long-Term Use Application

APPLICATION FOR PARK USE

Entities requesting long-term use of park land or recreation facilities, extending over a period of time of 72 hours or greater, shall complete this application and submit it to the Director or designee of Alameda Recreation and Parks.

The Alameda Recreation and Park Commission will have the authority to approve or deny an application for long-term use of park land or recreation facilities. If the Alameda Recreation and Park Commission determines that the proposed long-term use of park land or recreation facilities would impact park programs and users it shall deny the application. Appeals of decisions of the Recreation and Park Commission regarding applications for long-term park use shall be made to the City Council.

Review Process

Once an application has been filed with the Alameda Recreation and Parks, and prior to the hearing before the Recreation and Park Commission, the applicant will be required to:

- 1. Conduct a community meeting with the neighborhood currently served by the area requested.
- 2. Notify residents (both property owners and renters) within 300 feet of the facility requested at the applicant's expense.
- 3. Address issues such as potential traffic problems, litter, parking, and noise during the informational meeting.
- 4. Provide detailed plans or drawings illustrating any structural or aesthetic additions or deletions.
- 5. Comply with the established policies and procedures of the City of Alameda's Planning Department regarding the placement of structures and hours of operation.
- Demonstrate the ability to construct, design, and maintain the facilities requested as determined by the Recreation and Park Commission, Planning Commission, and City Council.
- 7. Attend a hearing before the Recreation and Park Commission for action on the application. Unless the matter is appealed to the City Council, the decision of the Recreation and Park Commission is final.
- 8. Return the park land or recreation facility to its preconstruction condition upon termination of the long-term use.



Long-Term Park Use Permit

Address:	City State Zip	
	City State Zip	
Facility Requested:	Name of Facility (e.g., McKinley Park, etc.)	_
	Street Address	***************************************
Term of Use: From	City/State/Zip To	
Please describe Inte	ended Use: (attach additional sheets if needed.)	
Please describe Inte	ended Use: (attach additional sheets if needed.)	

Please attach all drawings and plans needed for this application.

APPLICANT AUTHORIZATION AND AGREEMENT

Applicant (Person seeking the permit).

I hereby certify that I have read this application form and that to the best of my knowledge, the information in this application and all the exhibits are complete and correct. I understand that any misstatement or omission of the requested information or of any information subsequently requested may be grounds for rejecting the application, deeming the application incomplete, denying the applications, suspending or revoking a permit issued on the basis of these or subsequent representations, or for the seeking of such other and further relief as may seem proper to the City of Alameda.

For applications subject to a time and materials charge, I hereby agree to pay the City of Alameda all incurred costs for staff time and materials associated with review and processing of the subject project even if the application is withdrawn or not approved. I understand that one or more deposits will be required to cover the cost noted herein at such time as required by the Recreation and Park Department to ensure there are adequate funds to cover anticipated time and materials costs. I expressly acknowledge and agree that failure to pay a written invoice for additional funds within 14 days of date of invoice shall constitute the applicant's withdrawal of the applications.

Applicant's Signature:	Date:
Agent (Person representing the applicant in the permit process	s).
I hereby certify that I am the designated representative permit process.	e of the applicant during the
Agent's Signature:	Date:

CITY OF ALAMEDA RESOLUTION NO.

CALLING UPON STEPS TO WITHDRAW OUR RESERVISTS, COAST GUARD UNITS AND MEMBERS OF THE CALIFORNIA NATIONAL GUARD TROOPS FROM IRAQ

WHEREAS, The City of Alameda strongly supports the women and men serving in the United States Armed Forces in Iraq and recognizes the sacrifices that each of them is making, including those made by Alamedans in active and reserve units of the services, our local U.S. Marine Corps Reserve Unit, our local Coast Guard units, and members of the California National Guard, and

WHEREAS, the costs of deploying U.S. troops, in particular the call-up of our reservists and members of the California National Guard for deployment in Iraq have been significant, as determined in lost lives, combat injuries, psychic trauma, disruption of family life, financial hardship for individuals, families, and businesses, interruption of careers; and

WHEREAS, Californians joined the National Guard thinking that they would be serving their neighbors by helping with California-based emergencies, unless there was a danger to the United States requiring transfer to active duty; and

WHEREAS, Stop-loss orders violate the mutual understanding between Californians in the National Guard and the state and nation they agreed to serve and;

WHEREAS, the continued deployment of the California National Guard and Coast Guard units to Iraq puts Alameda and many California communities at risk in the event of a natural disaster, such as a major earthquake or storm; and

WHEREAS, the costs have resulted in unprecedented Federal budget deficits, which have and will effect the State of California and Alameda directly; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of Alameda supports the principles stated in HJR 73 (Murtha) which calls for an identified date for withdrawing all troops, and in California AJR 36 (Hancock), which calls for the immediate withdrawal of the California National Guard.

BE IT FURTHER RESOLVED, that the City Council of the City of Alameda calls upon the President, Congress and the Governor of California to take immediate steps to establish a date and timetable to withdraw U.S. troops,

including our reservists and the California National Guard, from Iraq and pursue a diplomatic approach to resolving the remaining conflicts.

BE IT FURTHER RESOLVED, that the City Council of the City of Alameda sends a copy of this Resolution to President Bush, each member of the California Congressional Delegation, Governor Schwarzenegger, the President Pro Tempore of the California Senate and our state representatives.

* * * * * *

regularly adopted and passed by the Co	y that the foregoing Resolution was duly and buncil of the City of Alameda in regular meeting, 2006, by the following vote to wit:
AYES:	
NOES:	
ABSENT:	
ABSTENTIONS:	
IN WITNESS, WHEREOF, I have hereunt City this day of	to set my hand and affixed the official seal of said , 2006.
	Lara Weisiger, City Clerk City of Alameda

CURRENT APPLICATIONS PLANNING BOARD ONE VACANCY Partial term expiring 6/30/2007

Robert A. Bonta

Jeff Cambra

Jacob M. Chapman

Todd E. Clapp

Gregg D. deHaan

Jonas H. Dupuich

Marilyn Ezzy Ashcraft

Michael K. Henneberry

James A. Nations

Dian McPherson

Roderick L. Smith II

Normajean C. Washingtonpalmer

Noel Wise